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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,331	05/25/2000	Roger V. Beathard	062891.0406	7232

7590 11/02/2005
Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

KNOWLIN, THJUAN P

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/579,331	Applicant(s) BEATHARD ET AL.	
	Examiner Thjuan P. Knowlin	Art Unit 2642	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.

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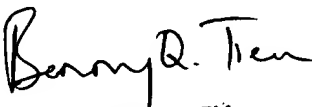
1. Applicant's arguments filed 10/11/05 have been fully considered but they are not persuasive.

2. In regards to claim 1, Applicants argue that Mashinsky (US 6,144,727) does not disclose "one or more route groups, each route group including a list of one or more ports of one or more gateway devices". Applicants further argue the limitations of "accessing the route list to obtain a second port number of the gateway device; and communicating the call request and the second port number to the first device process", "accessing a registration information table to determine a process identification of a route list control process executed by the first call manager and associated with the telephone number", "accessing a route list to obtain the device name and a port number of the gateway device", "accessing a device name mapping table using the device manager to determine a identification of a first device process executed by the second call manager and controlling the gateway device", "a device manager operable to receive a signal indicating that a new gateway device has registered with the call manager", and "a device manager operable to receive a signal indicating that a third call manager has come on-line in the packet-based network".

3. Examiner respectfully disagrees with these arguments. In regards to claim 1, Mashinsky does disclose one or more route groups, each route group including a list of one or more ports of one or more gateway devices (See Fig. 1A, international gateway switch 22, international gateway switch 24, international gateway switch 26, col. 7 lines 11-21, col. 9 lines 30-48, and col. 13 lines 14-22). Mashinsky, also, discloses accessing the route list to obtain a second port number of the gateway device; and communicating

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the call request and the second port number to the first device process (See col. 3 lines 10-44), accessing a registration information table to determine a process identification of a route list control process executed by the first call manager (See Fig. 1A and originating toll switch 14) and associated with the telephone number (See col. 20-21 lines 61-19, col. 21 lines 20-42, and col. 22-23 lines 60-16), accessing a route list to obtain the device name (e.g. gateway address, for example fax, voice, data, etc.) and a port number (See col. 22 lines 60-66) of the gateway device (See col. 7-8 lines 38-4, col. 21 lines 1-10, and col. 21 lines 20-42), accessing a device name mapping table (e.g. topology map or template) using the device manager to determine a identification of a first device process executed by the second call manager (See Fig. 1A and terminating toll switch 18) and controlling the gateway device (See col. 7 lines 11-21, col. 7-8 lines 38-4, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5), a device manager operable to receive a signal indicating that a new gateway device has registered with the call manager (See col. 7 lines 11-21, col. 7-8 lines 38-4, col. 21 lines 50-65, col. 22 lines 56-66, and col. 25-26 lines 66-5), and a device manager operable to receive a signal indicating that a third call manager has come on-line in the packet-based network (e.g. ATM network) (See col. 13 lines 28-32, col. 21 lines 20-42, and col. 22-23 lines 60-16).


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